

## Remarks

### **I. INTRODUCTION**

Claim 10 has been canceled, without prejudice. Claim 19 has been added. Claims 11-19 are now pending in the present application. Claims 11-18 have been amended. No new matter has been added. Reconsideration of the present application is requested.

### **II. REJECTION OF CLAIMS 10-17 UNDER 35 U.S.C. § 103(a)**

Claims 10 to 17 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent No. 5,825,643 to Dvorak et al. ("Dvorak") in view of U.S. Patent No. 5,038,246 to Durivage III ("Durivage"). Claim 10 has been canceled, without prejudice. Claim 18 has been added. It is respectfully submitted that none of claims 11-17 and 19 is obvious over Dvorak in view of Durivage, for at least the reasons set forth in the Amendment dated January 14, 2003, and the following additional reasons.

Claim 19 (from which claims 11-17 depend) recites that the adjusting circuit, adjusting elements (including key switches) and display elements are incorporated in the tripping device. Moreover, the adjusting elements and display elements are arranged at the operating face of the tripping device. In sharp contrast, Dvorak describes a portable programming device a portable programming device which is not incorporated in a tripping device, but is instead attached to the tripping device via an "umbilical cord." The keys (which are not switches) and display for programming are not arranged at an operating face of a tripping device, as recited by claim 11; instead they are on the separate, portable programming device. Durivage does not cure these deficiencies.

For at least the foregoing reasons, it is respectfully submitted that Dvorak in view of Durivage does not render obvious any of claims 11-17 and 19. Withdrawal of this rejection is, therefore, requested.

### **III. REJECTION OF CLAIM 18 UNDER 35 U.S.C. § 103(a)**

Claim 18 stands rejected under 35 U.S.C. § 103(a), as being unpatentable over Dvorak et al. in view of Durivage in further view of what the Office Action characterizes as "admitted prior art".

Claim 18 depends from claim 19, the arguments presented above in connection with claim 19 apply equally to claim 18. Withdrawal of the obviousness rejection of claim 18 is therefore respectfully requested.

**IV. IDS**

Applicants note that Applicants have not received copy of the initialed PTO Form 1449, which was filed in connection with the IDS of September 13, 2000. For the Examiner's convenience, a copy of the IDS and corresponding PTO Form 1449 is enclosed, along with a copy of the Form PTO 1390 transmittal, a copy of the certificate of mailing associated therewith, and a copy of the stamped postcard. It is requested that the Examiner provide Applicants with a copy of the initialed PTO Form 1449 with the next communication.

**V. CONCLUSION**

In light of the foregoing, Applicants respectfully submit that all pending claims 11-19 are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

  
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